



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 13 2006

Technology Center 2100

In re Application of:)
Kathryn A. HOWARD)
Application No. 08/920,433) **DECISION ON PETITION TO**
Filed: August 29, 1997) **WITHDRAW HOLDING OF**
For: METHOD AND SYSTEM OF) **ABANDONMENT UNDER 37 CFR**
PROVIDING ACCESS PRIVILEGES) **§1.181**
TO RECORD OF MEMBERS OF A)
COMMUNITY)

This is a decision on the petitions, filed 29 August 2005, under 37 CFR §1.181 to withdraw holding of abandonment of the above-identified application.

This application was held abandoned for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. A Notice of Abandonment was mailed on 16 August 2005.

In support of the petition, petitioner asserts that the Notice of Allowability and the Notice of Allowance and Issue Fee mailed 28 March 2005 were not received, and that no record of the Notice of Allowability and Notice of Allowance and Issue Fee Due were found in the applicant's file for this application. Petitioner supplies (1) a Counsel's Statement of Facts in Support of Petition to Withdraw Holding of Abandonment; (2) a copy of the File History Wrapper for Serial No. 08/920,433; and (3) a copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed.

The provided copy of the docket record shows no entry indicating receipt of the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed 23 March 2005.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must

be attached to and referenced in practitioner's statement. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has met the criteria of set out in MPEP § 711.03(c) for establishing failure to receive the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed 23 March 2005.

For the above, the petition is **GRANTED**. The abandonment is **WITHDRAWN**.

The application is being forwarded to the Technology Center Support Staff to re-mail the Notice of Allowability and Notice of Allowance and Issue Fee Due of 23 March 2005.



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